

**Internal Revenue Service**

Department of the Treasury  
Washington, DC 20224

Number: **200925017**  
Release Date: 6/19/2009

Third Party Communication: None  
Date of Communication: Not Applicable  
Person To Contact:

Index Number: 1362.01-03

, ID No.  
Telephone Number:

Refer Reply To:  
CC:PSI:B1  
PLR-140194-08  
Date:  
March 13, 2009

Legend:

Trust =

Date 1 =

Dear :

This letter responds to your letter dated July 15, 2008, submitted on behalf of the Trust, requesting a ruling under § 1361 of the Internal Revenue Code that the Service consent to revoke the Trust's electing small business trust (ESBT) election.

The information submitted states that the Trust was created on Date 1. The trustee of the Trust elected to treat the Trust as an ESBT effective Date 1. The trustee requests that the Service consent to revoke the Trust's ESBT election as of Date 1.

Section 1.1361-1(m)(6) of the Income Tax Regulations provides that an ESBT election may be revoked only with the consent of the Commissioner. The application for consent to revoke the election must be submitted to the IRS in the form of a letter ruling request under the appropriate revenue procedure.

Based on the facts submitted and the representations made, we conclude that the Trust may revoke its ESBT election effective Date 1.

Except as expressly provided herein, no opinion is expressed or implied concerning the tax consequences of any aspect of any transaction or item discussed or referenced in this letter.

This ruling is directed only to the taxpayer requesting it. Section 6110(k)(3) of the Code provides that it may not be used or cited as precedent.

The ruling contained in this letter is based upon information and representations submitted by the taxpayer and accompanied by a penalty of perjury statement executed by an appropriate party. While this office has not verified any of the material submitted in support of the ruling request, it is subject to verification on examination.

Sincerely,

*Dianna K. Miosi*

Dianna K. Miosi  
Chief, Branch 1  
Office of the Associate Chief Counsel  
(Passthroughs & Special Industries)

Enclosures (2)  
Copy of this letter  
Copy for § 6110 purposes

cc: